IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

FRIDAY, THE 11TH MAY 2007 / 21ST VAISAKHA 1929

WP(C).No. 14122 of 2007(F)

PETITIONER:

ESSAR TOWER INFRASTRUCTURE (P) LTD.,
41/256,C019,SECOND FLOOR,MATHER SQUARE,
OPP.NORTH RAILWAY STATION, COCHIN-682 018
REPRESENTED BY EXECUTIVE (SITE ACQUISITION &
ADMINISTRATION) MR.RAHUL DAS.

BY ADV. SRI.SANTHOSH MATHEW
SRI.SATHISH NINAN

RESPONDENT:

VANIMAL GRAMA PANCHAYATH, REPRESENTED BY
ITS SECRETARY,KODIYURA P.O.,VIA KALLACHI,
KOZHIKODE-673 515.

BY ADV. SRI.P.K.BEHANAN
SMT.K.J.ANCY

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 11/05/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No.14122/2007

APPENDIX

PETITIONER'S EXHIBITS

EXT.P1: PHOTOCOPY OF THE ORDER DATED 3.3.2007 BY THE SECOND RESPONDENT.

EXT.P2: PHOTOCOPY OF THE JUDGMNT IN WP(C) NO.179/06 DATED 9.1.2006.

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ANTONY DOMINIC, J.
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W.P.(C) NO. 14122 OF 2007
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Dated this the 11th day of May, 2007

J U D G M E N T

The prayer made in this writ petition is to quash Ext.P1, a communication issued by the first respondent Panchayat, declining permission to the petitioner for the installation of a cellular mobile tower on the ground that objection has been raised by the residents in the locality. This issue has already been considered by this court in various cases including Reliance **Infocomm v. Chemancherry Grama Panchayat (2006(4) KLT 695)** and WP(C) No.179/06, the judgment of which is produced as Ext.P2. In these judgments, it has been clarified that an application as made by the petitioner is in compliance with the statutory provisions governing the same, the objections raised by the residents of the locality would be irrelevant while considering the same.

2. In the circumstances stated above, I quash Ext.P1 and direct the respondent Panchayat to reconsider the application made by the petitioner in the light of the decisions referred above

and the statutory provisions governing the same. A decision in this regard shall be passed as expeditiously as possible, at any rate within one month from the date of receipt of a copy of this judgment.

3. Petitioner is directed to produce a copy of this judgment before the respondent for compliance.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp